



Land Use, Transportation & Infrastructure Committee Summary Minutes

Tuesday, November 09, 2010 11:00 AM City & County Building, Room 391

Members Present: Hancock, Madison, Montero, Robb, Sandoval

Members Absent: Johnson

**Other Council
Present:**

Committee Staff: Gretchen Williams

Bill Requests

BR10-0968 Zoning Map Amendment 2010I-00020: Change the zoning of the parcels at 2243 and 2245 W. 32nd Ave. from B-3 with an approved PBG to U-MX-3.

Theresa Lucero, Community Planning & Development

A motion offered by Madison, duly seconded by Hancock to approve filing a bill regarding Zoning Map Amendment 2010I-00020 to change the zoning of the parcels at 2243 and 2245 W. 32nd Ave. from B-3 with an approved PBG to U-MX-3 carried by the following vote:

AYES: Hancock, Madison, Montero, Robb, Sandoval(5)

NAYS: (None)

ABSENT: Johnson(1)

ABSTAIN: (None)

This is a legislative map amendment, submitted by Councilwoman Montero because it should have been included in the citywide rezoning. It was not rezoned at that time because it has an approved Planned Building Group (PBG), but the owner no longer intends to implement that plan. The proposed rezoning of this B-3/PBG property to the new U-MX-3 would give the property the same zoning as abutting properties on either side.

Community Planning & Development (CPD) recommended approval, based on the changed condition of the citywide rezoning and matching the abutting properties.

On Nov. 3, the Planning Board recommended approval with 6 votes; one member abstained, and one member voted against it because he did not agree that this should have been submitted as a legislative map amendment.

Councilwoman Montero said her office had received a letter of support from HUNI. She said U-MX-3 was recognized as the most appropriate zoning during the citywide rezoning, but that decision was not documented.

BR10-0966 Zoning Code Text Amendment No. 5
Peter Park, Michelle Pyle, Caryn Wenzara and Tina Axelrad, Community Planning & Development

A motion offered by Madison, duly seconded by Sandoval to approve filing a bill regarding Zoning Code Text Amendment No. 5 carried by the following vote:

- AYES: Madison, Montero, Robb, Sandoval(4)
- NAYS: (None)
- ABSENT: Hancock, Johnson(2)
- ABSTAIN: (None)

Councilwoman Robb explained that this package includes a large number of amendments, some more substantial than other, but this was anticipated as we near the end of the 6-month transition period at the end of the year.

Peter Park, Manager of Community Planning & Development, said the amendment includes a number of items that need to be re-codified before the end of the year when the 6-month transition period between the Former Chapter 59 and the new zoning code. Some procedures and regulations in Chapter 59 were left out of the new code inadvertently. One reason for the large number of red-lined pages is that some of the provisions being brought forward need to be inserted several times, in different articles. Other amendments make corrections and clarifications, based on customer comments and questions.

Caryn Wenzara, Michelle Pyle and Tina Axelrad presented the proposed amendments. The staff report and red-lined pages are available attached to this meeting on the website.

The individual amendments fall into three categories: 1) Organizational, clarifications, cross-references; 2) Carry forward Former Chapter 59 provisions; and 3) Substantive, which are highlighted in this summary.

In industrial districts I-A and I-B, the parking ratio is proposed to be lowered from 2.5 to 2 spaces per 1,000 square feet of gross floor area, in line with Suburban Context. This change is in the general use and parking table. The Industrial-Mixed Use, a higher density district, is in alignment with the General Urban Neighborhood Context.

In General Design Standards, the minimum parking island width is to be

changed from 6 feet to 8 feet based on professional feedback during drafting. Eight feet is the minimum recommended in order to allow a tree to thrive. The graphic was changed in the original new code; now the table needs to be brought into alignment. *(Subsequent to this meeting, it was discovered that the discussions regarding parking lot island width had ended with agreement that the width would be 6 feet; the necessary changes were made by amendment on the floor of Council when the bill was ordered published on Nov. 22).*

Sign standards need to be added for the three new Master Planned districts. Text Amendment No. 1, adopting these districts, did not include the necessary changes in the sign section. This amendment will make those additions.

The amendment would add "Live/Work" as an allowed use in I-A and I-B districts but with more clarity to the limits. The "work" part is limited to artist studio, including production and gallery space. The "live" part is limited to two unrelated people and is not treated as "residential use" with respect to use separations and special reviews. This is necessary to protect the industrial intent of these districts.

Councilwoman Montero asked if the protections for the existing single-unit residences in Industrial zones are carried forward. Ms. Axelrad said those grandfathered residential uses still trigger special reviews.

Outdoor patios accessory to eating and drinking places need some adjustments to carry forward the limitations with regard to proximity to protected zone districts to the maximum extent possible. In Former Chapter 59, and carried forward in the new code, certain restrictions apply. When a patio is within 50 to 100 feet of a protected district boundary (measured from the edge of the patio), it must close by 10 PM weeknights and 11 PM weekends. If the patio is proposed less than 50 feet from a protected district, a full special review process, including posting, notification and a hearing by the Board of Adjustment is required. The Board may impose restrictions to mitigate any impacts on the residential uses.

In order to carry forward the intent of these protections for near-by residential uses in the defined protected districts, the staff looked at the new menu of zone districts and where these patios might be located. For instance, patios at local businesses on residential and local streets would likely be within 50 feet of protected residential zones, so those needed to retain the same processes. Patio uses on major streets such as Hampden and Colorado are less likely to be within 50 feet of protected districts. Colfax, an arterial, is a mixture of Main Street zones (-2, -3, -5 and -8 stories). The lower intensity of those should provide protections for protected districts, but these would not exist in the higher intensity zones. Main Street districts abutting non-arterial streets will trigger protections. For instance, West 32nd Ave. in Highlands is a local street, so there are protections.

The street types are designated on the Blueprint Denver map.

Councilwoman Robb asked about Inter-Neighborhood Cooperation's reaction to the patio issues. Ms. Axelrad said she presented to INC but has not received any

questions or comments from them since her presentation.

Another proposed amendment to limit to one the number of dwelling units per zone lot occupied by the use Residence for Older Adults. There remains no limit on the number of residents as long as there is only one kitchen.

The final group of substantive amendments is in Article 13, Use Definitions, mostly for clarification and related to clarifications being made in other articles. The terms involved are: 1) Accessory Structure; 2) Façade and Front Façade; 3) Rooftop and/or Second Story Decks; and 4) Truck tractors.

Councilwoman Montero said HUNI had requested more time to study and absorb the proposed changes.

Ms. Axelrad replied that Amendment 5 needs to be adopted before end of the year when the 6-month transition period ends. The current schedule is for the Council's public hearing on Dec. 20 would be the public hearing.

Councilwoman Robb suggested moving it out of Committee today, and if more information is needed at meeting prior to the public hearing, we can accommodate that. She asked if CPD would consider holding Office Hours on this amendment as it did prior to adoption of the new code. Mr. Park said they would schedule that.

Councilwoman Montero said she would rather hold it in Committee. Councilwoman Robb replied that it can be held later in the process if necessary, but by moving it out today, it stays on schedule in case all questions are answered.